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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,383	02/23/2004	Edward Michael Silver	0201-02528	8406

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Room 2A-207

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EXAMINER

BLOUNT, ERIC

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

02/01/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/784,383	Applicant(s) SILVER ET AL.	
	Examiner ERIC M. BLOUNT	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-15, 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 20, 2011 has been entered.

Status of the Claims

2. Claims 12, 13, and 17-21 are currently pending. Claims 12 and 17 have been amended. Claims 14-16 are cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims ***** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota [US 6,604,049 B2] in view of Bide [US 6,470,264 B2], in further view of Hakala et al [U.S. Patent No. 6,452,544].

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action along with further detailed explanation of the aforementioned references.

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Regarding **claim 12**, Yokota discloses providing a view of surroundings to a user device in response to a position and orientation of a user; and determining a location in the view by determining the location in the view to be within an orientation of the view vis-à-vis the user orientation; receiving target data from the user device corresponding to the location in the view the target data being an image of a target in the view of the surroundings; and identifying the location in the view in response to the target data (see Abstract and column 4, lines 17-65).

Yokota does not disclose that a location may be determined to be a specified distance from a user. Bide suggests, but does not specifically disclose that a location may be determined to be a specified distance from a user. In an analogous art, Hakala discloses a system for identification of a location wherein identification information may be displayed in a user's field of view (Figure 1A and column 4, lines 37-62). Hakala teaches that the system may provide identification information to a user, as a user comes within a range of a location (point of interest). The identification information may be displayed to the user (column 9, lines 1-26). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the Yokota and Bide inventions to include the concept of automatically providing identification information as a user comes within a range of a point of interest.

Examiner contends that determining that a user is within range of a point of interest reads on applicants' claimed determining the view to be within a specified distance from the user. This would have been an obvious modification because it would provide a system for identifying locations or points of interest that requires little or no interaction from a user in order to obtain identification information. This type of system would be advantageous for tourist and educational attractions.

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As for **claim 13**, each invention discloses that identification information may be displayed in association with the location on the view of a user's surroundings (see claims above).

As for **claim 17**, the claim is interpreted and rejected using similar reasoning as claim 12 above. The combination of the references read on the claimed limitations.

As for **claims 18 and 20**, Yokota discloses that the user device is a viewing apparatus worn by the user (Figure 3).

As for **claim 19**, the claim is interpreted and rejected using similar reasoning as claim 12 above (see Abstract and column 4, lines 17-65).

As for **claim 21**, Bide discloses that target data is selected by tracking user gaze at the viewing apparatus (column 2, line 60 - column 3, line 10).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Spitzer [US 6349001 B1] discloses that it was known in the art to use a user's gaze to select data (column 11, lines 10-24).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC M. BLOUNT whose telephone number is (571)272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benjamin C. Lee can be reached on (571) 272-2963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric M. Blount
Primary Examiner
Art Unit 2612

/Eric M. Blount/
Primary Examiner, Art Unit 2612